

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 DANIEL JOSEPH BLOOR,

4 Plaintiff

5 v.

6 E.K. MCDANIEL, et. al.,

7 Defendants

Case No.: 3:15-cv-00610-RCJ-WGC

**Report & Recommendation of
United States Magistrate Judge**

Re: ECF Nos. 52,53, 55

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9 This Report and Recommendation is made to the Honorable Robert C. Jones, United
10 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28
11 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

12 Plaintiff has filed three motions to voluntarily dismiss this action. (ECF Nos. 52, 53, 55.)

13 Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action
14 without a court order by filing a notice of dismissal before the opposing party serves an answer
15 or motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). Unless the notice of dismissal
16 states otherwise, the dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

17 Defendants have not served an answer or motion for summary judgment; therefore,
18 Plaintiff's motions should be granted. The dismissal should be without prejudice as none of
19 Plaintiff's motions indicate that the dismissal should be with prejudice.

20 **RECOMMENDATION**


21 IT IS HEREBY RECOMMENDED that the District Judge enter an order **GRANTING**
22 Plaintiff's motions (ECF Nos. 52, 53, 55) and **DISMISSING** this action **WITHOUT**
23 **PREJUDICE**, and administratively closing the case.

1 The parties should be aware of the following:

2 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
3 this Report and Recommendation within fourteen days of being served with a copy of the Report
4 and Recommendation. These objections should be titled “Objections to Magistrate Judge’s
5 Report and Recommendation” and should be accompanied by points and authorities for
6 consideration by the district judge.

7 2. That this Report and Recommendation is not an appealable order and that any notice of
8 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
9 until entry of judgment by the district court.

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11 Dated: August 28, 2020

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13 William G. Cobb
14 United States Magistrate Judge
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